

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

DIANE M. SCHMIDT
AND
MICHAEL A. SCHMIDT

Debtors

Chapter 13

Case No. 13-12458-RGM

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Violation of 11 U.S.C. §1307(c)(1) - Unreasonable delay by Debtor which is prejudicial to the rights of creditors under this Chapter 13 Plan.

- Debtors have filed three (3) Plans, with each new Plan decreasing the proposed funding and each ignoring the disposable income of Debtors.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

Diane M. Schmidt and Michael A. Schmidt, Case #13-12458-RGM

Attend the hearing to be held on December 18, 2013 at 9:30 a.m., in Courtroom II on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste.400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: November 25, 2013

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 25th day of November, 2013, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Diane M. Schmidt
Michael A. Schmidt
Chapter 13 Debtors
205 Yoakum Parkway #1119
Alexandria, VA 22304

Tommy Andrews, Jr., Esq.
Attorney for Debtor
122 N. Alfred St.
Alexandria, VA 22314

/s/ Thomas P. Gorman
Thomas P. Gorman